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U.S. Department of Transportation  
Room PL 401  
400 Seventh St., SW  
Washington, DC 20590

DEPT. OF TRANSPORTATION  
DOCKETS  
99 JUN -2 AM 11:35

RE: RSPA-99-5013<sup>1</sup>— 7

Dear Sir or Madam:

On behalf of the Association of Waste Hazardous Materials Transporters (AWHMT), I am submitting comments on RSPA's advance notice of proposed rulemaking concerning revisions to the reporting requirements for incidents involving the transportation of hazardous materials at 49 CFR 17 1.15 and .16 and the detailed hazardous materials incident report (HMIR) – DOT Form F 5800.1.

The AWHMT represents companies that transport, by truck and rail, waste hazardous materials, including industrial, radioactive and hazardous wastes, in North America. The Association is a not-for-profit organization that promotes professionalism and performance standards that minimize risks to the environment, public health and safety; develops educational programs to expand public awareness about the industry; and contributes to the development of effective laws and regulations governing the industry.

There is no more comprehensive source for the kind of data that is generated by RSPA's Hazardous Materials Information System (HMIS) from the HMIR. Efforts by other entities to collect hazardous materials transportation-related incident data have fostered confusion about reporting requirements and added nothing to the public's understanding of these events. With the implementation of HM-200, the last major gap in incident reporting has been closed. Our association has used the HMIS data on numerous occasions and we have encouraged many non-federal entities to access this data to advance public policy objectives. Lately, RSPA has made this information available on the Internet. Nothing should be done to undermine the public's trust and confidence in the integrity of this data source.

Notwithstanding the forgoing, we admit that improvements can be made to the HMIR and incident reporting requirements generally that will enhance this data collection. We have participated in discussion with others in the transportation community seeking ways to add clarity to reporting requirements and to improve compliance. We support this rulemaking activity. Our response to RSPA's questions follow:

<sup>1</sup> 64 FR 13943 (March 23, 1999).

## General Issues

1. *Should the hazardous materials incident reporting requirements be extended to persons other than carriers (such as freight forwarders, warehouse operators, consignees, etc.) ?*

Yes. Both immediate notification\* and written reports<sup>3</sup> should be provided by the entity that has care, custody and control of the hazardous material at the time of the incident or when the incident is discovered. The entity tasked with performing incident reporting requirements needs to be the entity with the best information. RSPA should make clear that the providing of incident notification or the filing of incident reports does not *ipso facto* mean that the provider or filer of this information is the responsible party or otherwise shares in liability for the event.

“Care, custody, and control” should be interpreted to mean the entity performing the transportation-related activity at the time of the incident or its discovery. If a consignee is performing the unloading of a cargo tank when a hose breaks, the consignee should report. If the incident is discovered when a truck is unloaded at a mid-transportation facility, the carrier should report.

2. *Should RSPA require reporting of any incident-involving discovery of an undeclared shipment of a hazardous material whether or not there is a release of the hazardous material? Should the expanded requirement apply only to incidents discovered by a carrier during transportation? Should the expanded requirement apply to discovery by a consignee or other person during or following delivery of the material?*

AWHMT shares RSPA’s concern about undeclared shipments. While we believe RSPA should institute procedures to track undeclared shipments, we do not believe that RSPA’s incident reporting requirements should be expanded to accommodate such data entries. The discovery of undeclared shipments should involve a host of reporting entities – police, U.S. Customs, DOT’s modal enforcement agencies, as well as carriers and consignees. However, if the discovery of an undeclared shipment is related to an incident, there should be space on the incident report to **affirm** that the incident involved an undeclared shipment.

### Telephonic Notification (see Sec. 171.15)

3. *Currently, immediate **notification** is required for incidents where estimated carrier or other property damage exceeds \$50,000. Is this monetary reporting threshold reasonable? Should it be **modified** or eliminated? If **modified**, to what amount? Why?*

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<sup>2</sup> 49 CFR 171.15.

<sup>3</sup> 49 CFR 171.16.

We believe the monetary damages trigger for immediate notification should be eliminated. Of all data in HMIS, the accuracy of information about monetary damages is the most suspect. Additionally, if any of the other specified immediate reporting factors are met, we believe the \$50,000 will be triggered. Monetary damages can change dramatically depending on where the incident occurs. For example, a speedy response to an incident may result in lower costs than a response to the same type of incident that is drawn out. Moreover, if monetary damages, irrespective of the amount, were the only extenuating circumstance that would prompt a person to notify, the notification could be accomplished under 49 CFR 171.15(a)(5). Finally, we question the relevance of including monetary damages information on the HMIR. Even allowing for the 30-day filing window of the HMIR, this information is not always available. We think this situation is exacerbated when, as now, carriers must notify about incidents involving hazardous materials when the incident does not occur or is not discovered when they have care, custody and control of the material. If RSPA determines to keep a monetary damages trigger, the amount would have to be periodically adjusted for inflation.

4. *Should any other current requirements for immediate **notification** be modified or eliminated? If so, explain your suggested **modification**, the reasons for the modification, and anticipated impacts.*

As noted in “1” above, others in the transportation chain who have care, custody and control of a hazardous materials shipment at the time of an incident or when an incident is discovered should fulfill the notification requirements of 49 CFR 171.15.

The release of marine pollutants which are solids should not be subject to the immediate notice requirements unless the release was to water or likely to reach water prior to the cleanup of the release.

5. *Should RSPA require immediate telephonic **notification** for any other type of incident?*

It is a mystery why RSPA would specifically require reporting of marine pollutants, even when there is no release to water, but not specifically require reports of incidents involving the release of a PIH. RSPA should require such notification.

6. *In addition to **notifying** the National Response Center, should a carrier also be required to give immediate telephonic **notification** of an incident to the person who offered the hazardous material for shipment?*

No. Immediate notification to the person who offered the shipment should be left up to contractual arrangements between the involved parties. It begs the question of what type of notification should be given if the shipper and carrier are the same entity. If RSPA determines to go forward this requirement, it should be clarified that the notice be given to the entity responding to the emergency response telephone number required by 49 CFR 172.604.

Nevertheless, immediate notification to states and localities is increasingly a problem, especially for motor carriers that travel to all jurisdictions over non-fixed routes. Most states require some notification, some to multiple entities. In virtually every case, all jurisdictions want “immediate” notification. The issue of “one call” notification has been discussed in other forums, but to no avail.<sup>4</sup> Carriers especially should not be subject to divergent, conflicting requirements, particularly when other means exist to obtain timely information. Federal law provides that state/local notification of transportation-related incidents involving so-called “extremely hazardous substances” be accomplished by calling “9 11” or the local operator? Through the auspices of the National Response Team (NRT), governors are invited to designate one state office to represent the state on one of the NRT’s regional response teams.<sup>6</sup> These state agencies can and should get notification of incidents directly from the NRT through the National Response Center (NRC). We are not opposed to providing immediate notification of transportation-related hazardous materials incidents. However, those subject to the “immediate notification” requirements of § 17 1.15 should be relieved of redundant, additional, and conflicting non-federal immediate notification requirements. If states or localities believe that the immediate notification requirements of § 17 1.15 are deficient they should avail themselves of this opportunity to justify lower reporting thresholds, different or additional information requests, or other requirements that are currently inconsistent with the requirements of § 17 1.15. Ultimately, any state- or locally-imposed immediate notification requirement applicable to a transportation-related hazardous materials release should be deemed satisfied by the NRC notification and by calling “911” or the local operator.<sup>7</sup>

7. *If an incident requiring immediate telephonic **notification** occurs at the location of an offeror or consignee, should the offeror or consignee be required to provide the notification ? Should such notification be in addition to, or instead of **notification** from the carrier? What would be the usefulness and burdens associated with such a requirement?*

As noted in question “1”, we believe the entity with care, custody and control of the hazardous material at the time of the incident should be required to provide both the immediate notification, if required, and the HMIR. The notification from the entity with care, custody and control should be in lieu of notification by the carrier if the carrier is not the entity with care, custody and control. We believe notification will be more timely and information more accurate by assigning the reporting burden to the entity with care, custody and control of the hazardous material when the incident occurs. Such a change in notification policy will not affect the overall burden of the requirement, but it has the

<sup>4</sup> The Stakeholders Want Change: Report of a Meeting on Improving the System for Hazardous Materials Accident Safety, EPA, January 1995, page 1.

<sup>5</sup> 40 CFR 355.40(b)(4)(ii).

<sup>6</sup> 40 CFR 300.180(a).

<sup>7</sup> In many cases, local responders are aware of an incident before the reporting party, and may, in fact, be the source to alert the reporting party of an incident. The reporting party should be exempt from a requirement to notify local authorities if the reporting party has knowledge that the locality in which the incident occurred has already been notified.

potential to shift some burden to non-carrier entities. The burden on the carrier industry should be expected to decrease.

As to the “usefulness” of the information, only RSPA can answer this. Is the purpose of the immediate notification to trigger emergency response or is it just for statistical data? The notice to the NRC does not relieve the carrier (or other person required to provide notice) from notifying local authorities if outside assistance is needed to control the incident. RSPA has a definition of “serious” incident. Highway/rail incidents are “serious” if they result in one or more of the following: death; accident/derailment of vehicle; evacuation of six or more individuals; injury requiring hospitalization; or road closure. This definition is not consistent with the conditions that require immediate notification. Whatever conditions remain or are added to § 171.15, we do believe that space should be provided on the written form to indicate what condition(s) prompted a telephonic notice.

### Written Reports (see Sec. 171.16)

8. *Is the current regulatory language clear as to when a written incident report is required? **If** not, what changes should RSPA make?*

Written incident reports are required for “each incident that occurs during the course of transportation (including loading, unloading, and temporary storage).” RSPA opened a rulemaking in 1996 – HM-223 – to define what this phrase means in terms of the HMR. Until that rulemaking is finalized, it’s hard to say that current language is clear.

The term “unintentional release” is also used to trigger the HMIR and to except certain releases from the reporting requirement. RSPA should define this term. Does it include or not include, for example, the normal discharge that can be expected when connecting or disconnecting transfer hoses during loading and unloading operations?

Additionally, RSPA continues to phrase the reporting requirements for hazardous materials and hazardous waste incidents differently. Such difference suggests a different reporting threshold. RSPA, however, has stated that it “looks at hazardous waste issues together with issues covering all other hazardous materials.” RSPA defines “hazardous material” to include “hazardous waste”.<sup>9</sup> It is unclear what is accomplished by the dual standard because it is not reasonable to believe that any carrier who intentionally releases any hazardous material, including hazardous waste, would report the release. The phrase “or any quantity of hazardous waste has been discharged during transportation” should be eliminated.

RSPA should clarify the purpose of attaching a copy of the Uniform Manifest associated with the release of a hazardous waste. We are interested in promoting strategies that allow electronic filing of incident reports. Attaching hard copy of shipping documents will frustrate such filings. At the same time, we believe it is important to be able to

<sup>8</sup> 61 FR 21093 (May 9, 1996).

<sup>9</sup> 49 CFR 171.8.

access the Manifest if need be. Each Manifest is uniquely identified by a serial number. We suggest that the incident reporting form be modified to include space to enter the unique Manifest identification number.

9. *To provide a broader perspective for risk management in more critical hazardous material transportation situations, should additional information be collected through the incident reporting system to document successful performance and better gauge the integrity of packaging? For instance, should information be collected on certain highway accidents whether or not a hazardous material has been released? Would an appropriate definition of “accident” for reporting purposes be “any collision, rollover, jack-knife, or departure from the roadway”? Should additional reporting be limited to certain packagings or materials such as--cargo tanks, portable tanks, and IM portable tanks with a capacity greater than 1000 gallons; cylinders containing flammable gas with a water capacity greater than 100 pounds; explosives in packaging greater than 50 pounds; or toxic-by-inhalation liquids or gases in any quantity and packaging?*

*Should such additional reporting be limited to situations where there is exposure to fire or damage to the packaging? Should reporting be required for railway accidents that do not involve the unintentional release of hazardous materials, or do mechanisms exist to adequately capture this information apart from DOT Form F 5800. 1?*

We understand the desire for baseline information about package survivability and integrity. We do not, however, support obtaining this information as suggested by this question. Such reporting would significantly increase reporting burden. The proposed definition of “accident” clearly targets motor carriers. The definition of “accident” is not consistent with that used by the “FHWA,” let alone how other modes may define “accident.” The completeness and accuracy of the data would be open to all the foibles of any self-reporting system. Federal law provides that all states participate in “Safety Net”.<sup>10</sup> This program provides for the reporting of certain highway accidents by states. RSPA could use this data to match it against HMIS incident data to get an estimate of accidents where the hazmat packaging did not fail.

10. *Should RSPA expand the exceptions in Sec. 171.16(c) to include any other hazardous material; class, division, or packing group; or quantity limitations? If so, indicate the exception and why.*

We believe the exceptions in § 171.16(c)(iii) should be expanded to all materials when shipped in packagings of 20 liters or less (5.2 gallons) and that “paint and paint related material” in packing group II should no longer be excepted. Likewise, § 171.16(d)(3) should be amended as follows:

“(3) materials in Packing Group I or II except for hazardous materials transported as “consumer commodities” or “battery, electric storage, wet, filled with acid or alkali.”

<sup>10</sup> 49 U.S.C. 31102(a)(1)(M). Also see, 49 CFR 350.9(n).

The packaging group designation signals the degree of danger presented by the hazardous materials. Any material in packaging group III presents a minor danger. There is no reason to allow a blanket exemption for releases of limited amounts of paints and not allow the same exception for other packaging group III materials. We do not believe that any packing group I or II material should be excepted from reporting, except as now provided for “consumer commodities” and “battery, electric storage, wet, filled with acid or alkali”.

*11. Is there a spill quantity of an excepted material that should trigger incident reporting? For example, a spill of paint from a packaging with a capacity of less than 5 gallons is not reportable. Should a spill of a certain quantity of hazardous material be reportable regardless of the capacity of the packaging in which it was contained (e.g., a release from numerous small packagings)?*

Yes. Irrespective of the exceptions provided by § 17 1.16(c), we believe that any release that exceeds 20 liters or an equivalent dry measure from one or more packages should be reported. By Executive Order 12770, DOT is directed to convert from U.S. customary units of measure to the metric standard by September 30, 1992. The 5 gallons limit should be expressed in liters.

#### **DOT Form F 5800.1 (See Appendix)**

*12. Should RSPA develop an abbreviated incident report form for incidents of low severity? What criteria could be used as a threshold? What minimal information should be required for a low severity incident?*

Yes. Census-type information should be all that is reported for incidents of “low severity.” Incidents of “low severity” would those that involving only non-bulk packaging, where (1) the packaging failed under conditions not normal to transportation, e.g., the release resulted in a puncture by a forklift, from vandalism, or from a bung not being properly secured; (2) none of the conditions of § 171.1 5(a) were met; (3) the material is not a packaging group I material or PIH; or (4) the incident did not involve transportation aboard an aircraft. By “census-type” information, we mean the date, time and location of the incident or discovery of the incident; the reporting party; shipment information; the hazardous material(s) spilled; the result of the release; the mode of transportation; the type of vehicle; the transportation phase; and, for non-bulk packages, the cause of the release if the release resulted from conditions not normal to transportation.

*13. Should DOT Form F 5800.1 be structured to more accurately describe the cause and manner of a packaging failure? How could this be done to better capture human causal factors?*

Yes. For incidents that exceed the threshold of “low severity”, RSPA should organize the HMIR data requests into sections for bulk packages and non-bulk packages. Census-type

information should be provided for all incidents. Codes should be used to describe the package(s) that failed and cause code(s) should be used to describe the package failure. The more complete RSPA makes its code selection criteria the better it is going to be able to capture the information it is seeking. However, RSPA should not include codes that require subjective judgement about the fault of the incident, e.g., was it the fault of the employee who failed to tighten the bung, or the supervisor who did not inspect the package, or the trainer who did not train the employee. The codes should simply reflect the facts of the release.

*14. Would replacing the current check boxes on DOT Form F 5800.1, sections V 24 and VI 25 through 29, with numerically coded responses or other means to better **identify** how the incident occurred, increase the **difficulty** or lengthen the time it takes to complete the report?*

We strongly support the option to provide information with numerically-coded responses. This change will greatly facilitate electronic completion and filing of reports.

*15. Would replacing the boxes on DOT Form F 5800.1, section **VIII parts** 41 through 45, with numerically coded responses or other means to **identify** the reasons why the packaging failed, increase the **difficulty** or lengthen the time it takes to complete the report?*

See “14” above. We strongly support the option to provide information with numerically-coded responses.

*16. What additional fields, if any, should be included on the report form to indicate the amount of hazardous material that was initially in the package?*

This information is not going to be known unless declared by the shipper. The source of the information should be the shipping paper. Currently, however, shippers of bulk packagings or cylinders containing compressed gas do not have to declare the amount of material in the packaging.” If RSPA determines to require this information on the incident report form, it must first require it on the **shipping** paper. The same should be true if the package contains a residue.

Shippers do declare if a hazardous material is shipped in a reportable quantity. Section IV 16 and 17 of the current HMIR attempt to determine if a reportable quantity of a hazardous substance has been released. We believe the questions at Section IV 16-17 are confusing and should be replaced with one question that asks, “Was a reportable quantity of a hazardous substance released (Y/N)?”

*17. Would the information required by section VII of the report form is [SIC] easier to understand if column C was removed, column A was renamed “Inner Package”, and column B was renamed “Outer Package”? Why?*

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<sup>11</sup> 49 CFR 172.202(a)(5).



Yes. Combination packages have an “inner” and “outer” packaging. Column C is confusing and redundant. In addition, packaging information should be segregated into non-bulk and bulk packaging information.<sup>12</sup> For non-bulk-packagings, the HMIR should require the package specification performance **manufacturer's** markings, including thickness, if available. If no specifications or markings are available, RSPA should develop a code to identify, for both inner and outer packagings, the type of packaging and material of construction. For bulk packagings, the serial number, package specification, capacity, and exemption, approval, or competent authority number, if applicable.

*18. Should there be either separate sections on DOT Form F 5800.1 for reporting bulk and non-bulk packagings or a separate incident report form for these packagings?*

As noted in “13” above, we strongly support dedicating different sections of the HMIR to reporting information about incidents based on whether the hazardous materials was being transported in bulk and non-bulk packagings.

*19. Should we require more **specific** incident location data, such as milepost or street address, **if available**? How **difficult** would it be to obtain and report this information? What additional benefit would the information provide?*

As long as this information request is qualified by “if available”, we support whatever is necessary to give more specific incident location data. However, this “more specific” information is probably only “beneficial” if the incident was the result of an accident/derailment of a vehicle. The benefit of the information may be to identify along with other non-hazardous materials accidents dangerous intersections or sections of track. We hardly think this information would be beneficial if the site identified in the HMIR was merely the site where the incident was discovered.

*20. How can better information are provided on DOT Form F 5800.1 as to the transportation phase of an incident (e.g., when the incident most likely occurred)?*

We believe the HMIR sufficiently captures this information now using the data fields at Section VI 26 with one exemption. We believe a box should be added to indicate whether the report was based on the site where the incident occurred or the site where the incident was discovered.

*21. Should RSPA require updates to Section V 18 through V 23, the incident consequences **fields**, **if** additional or better data are available after the incident report form was submitted to DOT? Should RSPA set an amount or percentage change to trigger-filing of a supplemental report?*

No. Nothing precludes a reporting entity from updating a HMIR now. For regulatory purposes, however, RSPA needs to set a date certain for closure on requirements to file

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<sup>12</sup> In terms of packaging information, the identifying markings on **IBCs** are more akin to non-bulk than bulk packagings. The section of the HMIR dealing with non-packaging information should include **IBCs**. However, **IBCs** should be treated like bulk packages in terms of a trigger for reporting.

irrespective of subsequent outcomes. Most likely the only data sets that would change 30 days after an incident would be number of deaths and monetary damages. As noted above, we believe monetary damage information is suspect in any event. It is our understanding that RSPA follows-up on any reports of injuries requiring hospitalization. In this way, RSPA may obtain information that a reported injury ultimately resulted in a death.

*22. Should better information on release duration be collected (for example, the length of time a vapor is dispersed)? How could this be done?*

No. It is unlikely that the entity reporting the incident would have this information. So many factors influence how a vapor disperses. Additionally, we believe RSPA would put workers at unacceptable risk to require them, assuming they were physically capable, to perform any type of vapor dispersion assessment. RSPA should clarify what relevance this information would have. On the other hand, we do think it is useful to ask if public emergency response assistance was required and at what time the emergency was declared and what time the state of emergency was lifted, if available.

*23. How can RSPA acquire better information on failures, such as estimated dimensions of cracks or punctures?*

Again, we do not believe it appropriate for non-response employees to be trying to determine this type of information, assuming that they are physically capable. However, if the information is available to the reporting entity it should be required.

*24. What burden would you incur from a requirement to submit copies of photographs in your possession when specified criteria are met?*

Nothing precludes any entity for filing photographs now. Any filing of such material should remain optional. The requirement presumes that the carrier has equipped staff with photographic equipment to take such photographs. Depending on the type of incident, it's more likely that law enforcement, the media or insurance agents would have photographs. Additionally, if such a requirement is added RSPA, should clarify exactly what photographs would be useful, e.g., damaged packages only, one or two of the "best", or all photos, etc. Also, RSPA should address what format(s) it would be willing to receive photographs in, e.g., print, digital, slide, video.

*25. Should reporting of information concerning duration of an evacuation is [SIC] included on the incident report form?*

Yes. Evacuation is a criterion of a "serious" incident. The report should ask for the time the evacuation was called and when the evacuation was lifted.

*26. Should RSPA add an additional section to the incident report form to include information regarding whom was injured or required hospitalization (e.g., general public, employees, or emergency response personnel)?*

We understand that RSPA identifies this information now by calling each entity that submits a report indicating that an injury has occurred. The purpose of the call is to ascertain that the injury (or death) was a direct result of ~~exposure~~ to hazardous materials. RSPA classifies these injury/deaths as general public, employees/workers, or emergency response personnel. We agree that this information is important in studying incidents and assessing risk. However, no information should be collected that would allow the identification of a specific individual. Information about deaths and injuries should continue to be aggregated by the three general categories mentioned above. We do not believe that the reporting of this information should absolve RSPA of the duty to call HMIR filers to verify the facts about the cause of the injury/death. By putting this breakdown on the HMIR, however, reporting entities should be better prepared for RSPA's follow up communication.

*27. Should RSPA add a section to the incident report form to **identify** the UN packing group, **if** any, of the hazardous material and the packaging?*

Yes. As noted above, the packing group should be used to signal relief from incident reporting. If the incident involves a hazard class that has been assigned packaging group, we believe the information should be required in the HMIR.

*28. Are you aware of other Federal reporting forms that duplicate information required by DOT Form F 5800.1? If so, how could RSPA link the necessary transportation data to other required Federal reporting forms?*

Yes. OSHA requires the reporting of any employee death from a work-related incident.<sup>13</sup> Hospitalizations are also required to be reported but only if three or more employees were injured. The FHWA "Safety Net" system is supposed to capture information about commercial motor vehicle accidents and can be manipulated to segregate accidents involving vehicles carrying placarded hazardous materials. The FRA also has an accident reporting form that contains hazardous materials information. DOT should integrate its own data information systems, with common terms and definitions, before requiring the submission a duplicative data.

## **Customer Uses and Needs**

*29. What data and information do you use from the incident report form **and** for what purpose?*

The AWHMT uses data and information from the HMIS to chart trends and to use in advance policy objectives. There is no better source of this information. We strongly support RSPA's efforts to be the sole source of this information. Additionally, HMIS staff deserve to be recognized for the prompt, competent service they provide.

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<sup>13</sup>

29 CFR 1904.8.

*30. What additional data not now collected on the incident report form should be collected and for what purpose would it be used?*

As we have indicated earlier, (1) codes should be used in place of check boxes as **much** as possible to facilitate electronic filing; (2) a space for the EPA manifest identification number should replace the filing of a hard copy of the form; (3) a space should be provided to indicate if the incident involved an undeclared hazardous materials; (4) spaces should be added to indicate a material's packing group or whether the shipment was a residue, if applicable; and (5) additional information should be requested about persons injured or killed and evacuations.

This question begs for information about what questions currently on the HMIR could be removed without compromising the usefulness of the data. We strongly recommend that the questions dealing with hazardous substances and reportable quantities be rewritten. We do not believe there is value in the questions at section VI 26-27 about land use and community type.

*31. Should access to incident data be available via the Internet? **If** only select data could be provided because of cost or technology considerations, what data would be most useful to you?*

Incident data should be, as it is now, available on the Internet. The data should be presented in summary form, with no company-specific identifying information. We have extensively used incident data. While historical data should not be eliminated, the most useful data would be updated annually and summarized in 5 year intervals. We believe all data sets should be summarized.

*32. RSPA is considering optional electronic filing of incident reports by facsimile (fax), electronic mail (e-mail), and Internet. Do you have recommendations concerning implementation of electronic filing? Are there other means of electronic filing that RSPA should consider?*

AWHMT strongly supports the option of electronic filing. To make such filing possible, the incident reporting form should be modified to make completion of the form on a computer possible. We are not aware of other means of electronic filing that RSPA should consider.

*33. How would you use a tracking system for DOT Form F 5800.1 submissions and processing status?*

Our Association has no need for an incident report tracking system to assess receipt of a submission or the status of processing the data.

### **National Transportation Safety Board (NTSB) Recommendations**

Recommendation R-89-52 states that RSPA should:

Establish procedures that require carriers reporting hazardous materials incidents under the provisions of 49 CFR 171.16 to notify shippers whose hazardous materials shipments are involved.

34. *In accordance with NTSB recommendation R-89-52, what would be the potential benefits or impacts of requiring carriers (other than private motor carriers) reporting hazardous materials incidents under 49 CFR 171.16 to **notify** shippers whose hazardous materials shipments are involved in the incident being reported?*

See our response to question 6.

Recommendation H-92-6 states that RSPA should:

Implement, in cooperation with the Federal Highway Administration, a program to collect information necessary to identify patterns of cargo tank equipment failures, including the reporting of all accidents involving DOT specification cargo tanks.

35. *In accordance with NTSB recommendation H-92-6, how could RSPA, in cooperation with FHWA, improve the current incident reporting program to collect **information-identifying** patterns of cargo tank equipment failures, including reporting of all accidents involving a **DOT specification** cargo tank, whether or not a release occurred?*

This information should be collected through FHWA's "SafetyNet" program using FHWA's definition of "accident." See our response to question 9.

## Conclusion

The AWHMT values the information collected pursuant to RSPA's incident reporting requirements. We believe improvements can and should be made to enhance this data source. We strongly support RSPA initiative in this area.

Sincerely,



Michael Carney  
Chairman